

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY sf D.C.
JUN -9 PM 2:30
ROBERT R. DI TROLIO
CLERK OF U.S. DIST. CT.
W.D. OF TN-JACKSON

ADVANCED RADIOLOGY, INC.,)

Plaintiff,)

VS.)

No. 03-1059-T-An

TROY CAVE and HPS, INC.,)

Defendants.)

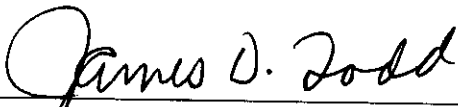
ORDER OF CONTINUANCE
AND ORDER REQUIRING STATUS REPORT

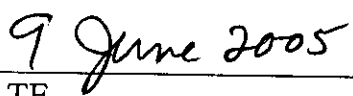
On November 15, 2004, the court was notified that Defendant HPS, Inc., has filed a Chapter 7 bankruptcy petition. Consequently, this matter has been stayed, pending the resolution of Defendant's bankruptcy petition. On June 8, 2005, a consent order was entered allowing counsel for Defendant HPS, Inc., to withdraw on the ground that the U.S. Trustee had not retained defense counsel to continue representing Defendant in this matter. Trial is set for August 24, 2005. Because the matter is currently stayed, the trial will be removed from the court's calendar until further notice.

Plaintiff is hereby ORDERED to provide to the court within fifteen (15) days a status report as to whether it wants to dismiss HPS, Inc., as a defendant and proceed against the remaining defendant or whether it wants to wait until the bankruptcy is concluded and

proceed against both defendants.¹

IT IS SO ORDERED.



JAMES D. TODD
UNITED STATES DISTRICT JUDGE


DATE

¹ If Plaintiff decides to dismiss HPS, Inc., either a motion to dismiss should be filed, pursuant to Fed. R. Civ. P. 41, or a consent order of dismissal should be filed, in addition to the status report.



Notice of Distribution

This notice confirms a copy of the document docketed as number 46 in case 1:03-CV-01059 was distributed by fax, mail, or direct printing on June 10, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT